

Remarks/Arguments:

This Response is being submitted in response to the Office Action dated January 29, 2004. Claims 1-3 are presented for examination. Applicants respectfully request reconsideration and allowance of claims 1-3 in light of the amendments and remarks made herein. Check number 067373 is enclosed to cover a three-month extension of time fee of \$950.00 under 37 C.F.R. §1.17(a)(2), and Applicants' representative hereby authorizes the use of Deposit Account 03-0172 for any other payment necessary to maintain the application in good standing.

Please note that the attorney docket number for this case has changed. The revised attorney docket number is 28280.04021. Please also note that the correct mailing address for Applicants' representative is:

Robert R. Lech, Esq.
Calfee, Halter & Griswold LLP
21 East State Street, Suite 1100
Columbus, OH 43215-4243

Claim Rejections Under 35 U.S.C. §103

MPEP §2142 reads:

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claim or a combination and reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.” (emphasis provided) *In re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991).

MPEP §2143.03 reads “to establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981 (CCPA 1974). Applicants contend that the burden of showing *prima facie* obviousness has not been met. Specifically, with respect to claim 1, Applicants contend that the prior art fails to disclose “synchronizing the object and object state between the server application and the client application.” Accordingly, Applicants contend that the references upon which the Office Action

relies neither teach nor suggest all the claimed limitations of the invention, and thus the §103 rejections should be withdrawn.

MPEP §2143.03 reads “if an independent claim is not obvious under 35 U.S.C. §103, then any claim depending therefrom is not obvious.” *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Thus, as illustrated below, since the independent claim is not obvious, then neither is the claim that depends from the independent claim.

Independent Claim 1 stands rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,987,376 (“Olsen et al.”) in view of U.S. Patent No. 6,012,984 (“Roseman”).

Claim 1 reads:

“A method for maintaining the integrity of data stored throughout a distributed computer system, the method comprising:
transmitting an object from a server application to a client application;
transmitting an object state from the server application to the client application;
synchronizing the object and object state between the server application and the client application; and
updating the object by invoking a server application method after the step of synchronizing.” (emphasis provided.)

The Office Action asserts that Olsen et al. discloses “synchronizing the object and object state between the server application and the client application.” Applicants respectfully disagree. At column 9, lines 22-24, Olsen et al. discloses that “[a] state update packet is generated by any client in the event that it takes any action that results in a change to the game state, thereby resulting in a change to the client’s application data.” The client maintains a “pending queue” to store data from all state update packets received from any other client reflecting changes to the game state occurring during the time interval that application data is being downloaded from the host client. (See column 9, lines 41-49)

As described, any synchronization performed by the system of Olsen et al. occurs between the client and all other clients, not between the server application and the client application, as claimed by the present application. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. 103 and allow independent claim 1.

Applicants further request that the Examiner allow dependent claim 2 for the same reasons as independent claim 1 from which it depends.

Claim Rejections Under 35 U.S.C. 102(e)

Claims 1-25 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent 6,260,158 ("Purcell et al.") and the Computer Dictionary, 3rd ed., Microsoft Press, p. 359, 1997.

35 U.S.C. §102(e) states:

"A person shall be entitled to a patent unless ...
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

According to M.P.E.P. §2131:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegall Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that Purcell et al. fails to disclose all of the elements of independent claim 3. Specifically, Purcell et al. does not disclose the use of a client-server architecture. Applicants note that the dictionary definition of "peer-to-peer" draws an explicit distinction between a peer-to-peer architecture and a client/server architecture. The definition indicates that "[u]nlike a client/server architecture, a dedicated file server is not required. However, network performance is generally not as good as under client/server, especially under heavy loads." Therefore, Purcell et al. does not teach the use of a client/server architecture. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection under 35 U.S.C. 102(e) and allow independent claim 3.

Conclusion

Entry of this response and allowance of claims 1-3 are respectfully requested. Based on the foregoing remarks Applicants believe that all of the claims in this case are in a condition for allowance and an indication to that effect is earnestly solicited. Furthermore, if the Examiner believes that additional discussions or information might advance the prosecution of this case, the Examiner should feel free to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

July 29, 2004

Date



Robert R. Lech
Patent Office Reg. No. 37,169
Attorney for Applicants
Direct Dial: (614) 621-7101